

03500.017507

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: T. Pham
KOUKI SHIBAO	)	
	:	Group Art Unit: 2625
Application No.: 10/649,957	)	
	:	Confirmation No.: 7095
Filed: August 28, 2003	)	
	:	
For: IMAGE PROCESSING	)	
APPARATUS, IMAGE	:	
PROCESSING APPARATUS	)	
ADMINISTRATION	:	
INFORMATION DISPLAY	)	
METHOD, SYSTEM,	:	
PROGRAM AND STORAGE	)	
MEDIUM	:	January 11, 2008

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT, WITH TRAVERSE

Sir:

In response to the election requirement set forth in the Office Action dated  
December 11, 2007, Applicant provisionally elects Species II, namely, Claims 1 to 22  
(Figs. 30 and 31).

CERTIFICATE OF EFS-WEB TRANSMISSION  
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January 11, 2008  
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Frank L. Cire, Reg. No. 42,419  
(Name of Attorney for Applicant)

/Frank Cire #42,419/  
Signature

January 11, 2008  
Date of Signature

However, Applicant respectfully traverses the requirement to restrict. An application may be properly required to be restricted to one of two or more claimed inventions only if the inventions are able to support separate patents and they are either independent or distinct. MPEP § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP § 803.

"The term 'distinct' means that two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, process and apparatus for its practice, process and product made, etc., but are capable of separate manufacture, use, or sale as claimed and are patentable (novel and unobvious) over each other (though they may each be unpatentable because of the prior art)." MPEP § 802.01. In this regard, Applicant respectfully submits that Fig. 1 (which the Examiner contends discloses Species I), discloses an image input/output system embodiment of the present invention while the flow charts disclosed in Figs. 30, 31, 41, 46 to 48 and 53 to 55 (which the Examiner contends disclose Species II to Species V) respectively disclose a series of operations to be executed by the controller unit 110 illustrated in Fig. 1. Therefore, the flow charts merely disclose operations of the single controller unit 110 and do not represent distinct and independent species of the invention as disclosed in Fig. 1. That is, the respective flow charts that the Examiner contends disclose Species II to Species V are related to each other as functions of the same controller unit 110 and are thus not independent or distinct. Accordingly, two-way distinctness is not seen to be present among the claims of Species I to V. MPEP § 806.05(c).

Even if Species I to V are considered to be independent or distinct inventions, which Applicant does not admit to be the case, the search and examination of all pending claims

of Species I to V can be made without serious burden, and therefore restriction is believed to be improper. MPEP § 803. Specifically, the claims of Species I to V are all directed to the field of art concerning an image input/output system. Accordingly, Applicant respectfully submits that concurrent search and examination of all claims of the putative Species I to V can be made without serious burden.

Based on the foregoing remarks, Applicant respectfully submits that the election requirement is improper and therefore requests reconsideration and withdrawal of the election requirement, and the concurrent examination of all currently-pending claims.

Applicant's undersigned attorney may be reached in our Costa Mesa, CA office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Frank Cire #42,419/  
Frank L. Cire  
Attorney for Applicant

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

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